

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA §
§
V. § CASE NO. 6:13cr64
§
EVELYN WHITAKER (02) §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

By order, the undersigned referred this matter to the Honorable John D. Love, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Love conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and the Honorable John D. Love issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #78]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally approve his plea agreement. He further recommended that the undersigned finally adjudge Defendant as guilty on **Count Five** of the **Indictment** against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #78] of the United States Magistrate Judge is **ADOPTED**.

It is further **ORDERED** that the Defendant's guilty plea is accepted and approved by the Court. Further, the plea agreement is approved by the Court, conditioned upon a review of the presentence report. It is finally **ORDERED** that, pursuant to the Defendant's plea agreement, the Court finds the Defendant **GUILTY** of **Count Five** of the **Indictment** in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to **Count Five** of the **Indictment**.

It is SO ORDERED.

SIGNED this 12th day of December, 2013.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE